

Tuesday
October 25 2005
Gautier, Mississippi

BE IT REMEMBERED THAT A RECESSED MEETING of the Mayor and Members of the Council of the City of Gautier, Mississippi was held October 25, 2005, at 6:30 p.m. in Gautier Municipal Building, 3330 Highway 90, Gautier, Mississippi.

Those present were Mayor Donald Pope, Councilmembers Jeff Wilkinson, Virginia Lay, Hurley Ray Guillotte, Richard Paul, Don Hansford, and Matthew Feathers; City Manager Christy Wheeler, City Attorney James Backstrom, City Clerk-Pearl B. Mercer, and other concerned citizens.

The Mayor asked if there were any motions regarding the Agenda order.

AGENDA
GAUTIER, MISSISSIPPI
October 25, 2005
6:30 p.m.

ATTACHMENTS

- | | | |
|------|---|-------------------------|
| I. | Call to Order | |
| | 1. Prayer | |
| | 2. Pledge of Allegiance | |
| II. | Agenda Order Approval | |
| III. | Presentation Agenda | |
| | 1. Report-New Flood Elevations/Bob Durham | |
| | 2. Report-Tap Fees/Gordon Quesenberry-McCrory Williams | Schedule |
| IV. | Announcements | |
| V. | Public Agenda | |
| | 1. Citizen Comments | |
| VI. | Business Agenda | |
| | 1. Consider Order Authorizing Approval of Minutes for Council Meeting Held October 11, 2005 | Minutes |
| | 2. Consider Resolution Authorizing Local Emergency Continuance - Katrina | Resolution |
| | 3. Consider Order Authorizing Renewal of Insurance | Order; Tally; Proposals |
| | 4. Consider Order Authorizing Short Term Contract for Solid Waste Services | |
| | 5. Consider Resolution Authorizing Loan from the Mississippi Development Bank | Resolution |
| VII. | Routine Agenda | |

STUDY AGENDA
City of Gautier
October 25, 2005

ATTACHMENTS

- | | | |
|----|--|----------------|
| 1. | Discuss Interlocal Agreement/Shepard State Park | NO ATTACHMENTS |
| 2. | Council Comments | NO ATTACHMENTS |
| 3. | Discuss City Manager Comments | NO ATTACHMENTS |
| 4. | Adjourn until November 1, 2005, Tuesday, 6:30 p.m. | |

There being no changes to the Agenda order, motion was made by Lay, seconded by Hansford, and the following vote was recorded:

AYES:Donald Pope
Jeff Wilkinson
Virginia Lay
Hurley Ray Guillotte
Richard Paul
Don Hansford
Matthew Feathers

NAYS:NONE

The Presentation was as scheduled.

After the Presentations, motion was made by Hansford, seconded by Feathers to revise the Agenda and add Item VI.6/Tap Fees, and the following vote was recorded:

AYES:Donald Pope
Jeff Wilkinson
Virginia Lay
Hurley Ray Guillotte
Richard Paul
Don Hansford
Matthew Feathers

NAYS:NONE

There came on for consideration of the Mayor and Members of the Council of the City of Gautier, Mississippi, the following:

ORDER NO. 14-2006

IT IS HEREBY ORDERED by the Mayor and Members of the Council of the City of Gautier, Mississippi, that the Minutes for Council Meeting held October 11, 2005, are hereby approved.

IT IS FURTHER ORDERED that the City Manager is authorized to execute any and all documents necessary.

Motion was made by Hansford, seconded by Lay, and the following vote was recorded:

AYES:Donald Pope
Jeff Wilkinson
Virginia Lay
Hurley Ray Guillotte
Richard Paul
Don Hansford
Matthew Feathers

NAYS:NONE

ATTEST:

MAYOR

CITY CLERK

PASSED AND ADOPTED by the Mayor and Members of the Council of the City of Gautier, Mississippi at the meeting of October 25, 2005.

There came on for consideration of the Mayor and Members of the Council of the City of Gautier, Mississippi, the following:

RESOLUTION NO 5-2006

PROCLAMATION

(A Local Emergency)

WHEREAS, the City Council of the City of Gautier, Mississippi does hereby find: That the conditions of extreme peril to the safety of persons and property within the City of Gautier, Mississippi, occurred with "Hurricane Katrina "

NOW, THEREFORE, BE IT RESOLVED that a local emergency does exist throughout said City of Gautier, Mississippi; and

IT IS FURTHER PROCLAIMED AND RESOLVED that said local emergency shall be deemed to continue to exist for a period of time, commencing on Saturday, the 29th day of October, 2005, and ending on Friday, the 4th of November, 2005, unless Council extend by special session.

Motion was made by Lay, seconded by Hansford, and the following vote was recorded:

AYES:Donald Pope

Jeff Wilkinson

Virginia Lay

Hurley Ray Guillotte

Richard Paul

Don Hansford

Matthew Feathers

NAYS:NONE

MAYOR

ATTEST:

CITY CLERK

PASSED AND ADOPTED by the Mayor and Members of the Council of the City of Gautier, Mississippi at the meeting of October 25, 2005.

There came on for consideration of the Mayor and Members of the Council of the City of Gautier, Mississippi, the following:

ORDER NO. 15-2005

IT IS HEREBY ORDERED by the Mayor and Members of the Council of the City of Gautier, Mississippi, that the proposals submitted by Stewart Sneed Hewes, are hereby authorized as follows:

CITY

General Liability-Option #1 (\$1 million limit)	\$ 34,740.00
Public Official Liability	\$ 18,380.00
Law Enforcement Liability	\$ 20,336.00
Automobile Liability-Option 1 (\$1 million limit)	\$ 43,395.00
Automobile Physical Damage	\$ 24,104.00
Crime	\$ 1,471.00
Property-Primary	\$ 19,245.00
Property-Excess	\$ 14,668.00
Contractors Equipment	\$ 8,351.00
Police Reserve-Accident	\$ 3,150.00
TOTAL	\$187,839.00

Umbrella	\$ 23,921.00
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TOTAL CITY	\$211,760.00
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FIRE	
General Liability, Crime, Equipment, & Management Liability	\$ 5,851.00
Automobile	\$ 9,749.00
Umbrella	\$ 1,773.00
Accident/Volunteers	\$ 1,808.00
TOTAL FIRE	\$ 19,181.00
GRAND TOTAL	\$230,941.00

IT IS FURTHER ORDERED that \$1,423.00 is hereby authorized for the one month extension provided on equipment and property.

IT IS FURTHER ORDERED that the City Manager is authorized to execute any and all documents necessary.

Motion was made by Hansford, seconded by Feathers, and the following vote was recorded:

AYES: Donald Pope
Virginia Lay
Hurley Ray Guillotte
Richard Paul
Don Hansford
Matthew Feathers

NAYS: NONE

ABSTAIN: Jeff Wilkinson

MAYOR

ATTEST:

CITY CLERK

PASSED AND ADOPTED by the Mayor and Members of the Council of the City of Gautier, Mississippi at the meeting of October 25, 2005.

There came on for consideration of the Mayor and Members of the Council of the City of Gautier, Mississippi, the following:

ORDER NO. 16-2006

IT IS HEREBY ORDERED by the Mayor and Members of the Council of the City of Gautier, Mississippi, that the current contract with DisposAll is extended from its original date of 30 September 2005 for 90 days with the option of another 30 day extension in order for the City to advertise for proposals and implement a new long-term solid waste collection contract. The pricing for the contract extension will be modified to \$11 per unit.

IT IS FURTHER ORDERED that the City Manager is authorized to execute any and all documents to effect this contract modification.

Motion was made by Hansford, seconded by Wilkinson, to Table, and the following vote was recorded:

AYES:Donald Pope

Jeff Wilkinson

Virginia Lay

Hurley Ray Guillotte

Richard Paul

Don Hansford

Matthew Feathers

NAYS:NONE

MAYOR

ATTEST:

CITY CLERK

PASSED AND ADOPTED by the Mayor and Members of the Council of the City of Gautier,
Mississippi at the meeting of October 25, 2005.

There came on for consideration of the Mayor and Members of the Council of the City of Gautier,
Mississippi, the following:

RESOLUTION NO. 6-2006

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GAUTIER, MISSISSIPPI (THE "CITY")
AUTHORIZING A LOAN FROM THE MISSISSIPPI DEVELOPMENT BANK UNDER ITS HURRICANE
KATRINA RELIEF PROGRAM; APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND
DELIVERY OF A LOAN AGREEMENT, A NOTE AND AN INTERCEPT AGREEMENT FOR THE LOAN;
AND AUTHORIZING THE OFFICERS OF THE CITY TO DO ALL THINGS NECESSARY TO EFFECTUATE
THIS RESOLUTION.

WHEREAS, the Mississippi Development Bank, a public body corporate and politic of the State of
Mississippi (the "Bank"), is authorized and empowered by the provisions of the Mississippi Code of 1972,
Sections 31-25-1 et seq., as from time to time amended (the "Act") to issue bonds for the purpose of making
loans to Local Governmental Units (as defined in the Act), including the City; and

WHEREAS, on August 29, 2005, Hurricane Katrina ("Katrina") made landfall in the coastal region of
the States of Mississippi and Louisiana causing unprecedented damage and destruction to the State of
Mississippi (the "State"); and

WHEREAS, due to the effects of Katrina, the City recognizes that substantial financial help will be
required to allow the City to recover and to reestablish normal governmental operations and that, through
the Act, the Bank may be able to provide financial assistance to Local Governmental Units such as City;

WHEREAS, by resolutions dated September 14, 2005 and September 22, 2005, after study and
investigation by the Bank, in furtherance of the Act, the Bank authorized the issuance of its Special
Obligation Bonds (Hurricane Katrina Relief Program) (the "Bonds") to finance the Mississippi Development
Bank Hurricane Katrina Relief Program (the "Program") to be used to provide funds to loan to Local
Governmental Units (such as the City) for the purpose of, and in order to assist Local Governmental Units in
financing and/or refinancing the costs of, any capital project of such Local Governmental Unit (including,

without limitation, the construction of public works and infrastructure and the acquisition of equipment and rolling stock) and providing working capital or deficit financing (including, without limitation, tax anticipation notes, bond anticipation notes and revenue anticipation notes), as well as to fund other items in connection with the issuance of the Bonds, including, without limitation, a debt service reserve fund therefor and costs in connection therewith (the "Project"); and

WHEREAS, the City is authorized under the provisions of Mississippi Code Annotated Section 31-25-28, as amended, to borrow funds from the Bank under the Program in such amounts as it may find necessary and proper in order to provide funds for the Project; and

WHEREAS, it is necessary, proper and economically feasible that the City borrow money by entering into a loan with the Bank secured by a Note pursuant to the Act, the purposes herein stated and under the procedures hereinafter set forth and as provided by law to provide funds for the Project; and

WHEREAS, the Mayor and City Council of the City now finds it necessary to approve (1) the loan from the Bank in the net project loan fund amount not to exceed \$2,500,000, (2) the form of and execution of the Loan Agreement, to be dated the date of delivery, between the Bank and the City (the "Loan Agreement") in connection with the loan, (3) the form of and execution and delivery of the Note of the City in connection with said Loan Agreement, and (3) the form of and execution of the Intercept Agreement, to be dated the date of delivery, between the Bank and the City (the "Intercept Agreement") as security for the loan.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL (THE "GOVERNING BODY") OF THE CITY OF GAUTIER, MISSISSIPPI:

Section 1. The Loan Agreement, including the form of the Note, are hereby approved, and the City Manager and the Finance Director are hereby authorized and directed to execute said Loan Agreement and Note for and on behalf of the City. All provisions of the Loan Agreement, including the Note, when executed as authorized herein, shall be incorporated herein, and shall be deemed to be a part of this Resolution fully and to the same extent as if separately set out verbatim herein, which said Loan Agreement and Note to be in substantially the form attached hereto, with such completions, changes, insertions and modifications and shall be approved by the officers executing and delivering the same. The City Manager and Finance Director are hereby authorized to enter into said Loan Agreement to result in a net project/loan fund deposit amount not to exceed \$2,500,000 to provide for the Project. The term of the loan shall not exceed twenty (20) years. The Governing Body of the City hereby authorizes the City Manager or Finance Director to approve the principal amortization schedule for the loan within the requirements set forth in this Section 1. The execution of the Loan Agreement by the City Manager and Finance Director shall be deemed to be conclusive evidence of such approval of the terms of the loan by these officers under this Section 1.

Section 2. The City Manager and Finance Director shall be, and they are hereby authorized and directed for and on behalf of the City, to enter into the Intercept Agreement (as defined in the Loan Agreement) whereby the City shall covenant, agree and authorize the Mississippi State Tax Commission, the Office of the Treasurer of the State or any other state agency, department or commission to (a) withhold all or any part of moneys (including, without limitation, any moneys paid by the Federal Emergency Management Agency of the United States of America ("FEMA") which moneys are dedicated by FEMA to be paid to the City) which the City is entitled to receive from time to time pursuant to any law and which is in possession of the Mississippi State Tax Commission, the Office of the Treasurer of the State or any other

state agency, department or commission and (b) pay same over to the Trustee for the Bonds (on behalf of the Bank) to satisfy any delinquent payments under the Loan Agreement. Said Intercept Agreement shall be in accordance with the provisions set forth in the Loan Agreement and as authorized by the Act.

Section 3. The City Manager and Finance Director be, and they are hereby authorized and directed for and on behalf of the Governing Body to take any and all such action as may be required by the City to carry out and to give effect to the aforesaid documents authorized pursuant to this Resolution and to execute all papers, documents, certificates and other instruments that may be required for the carrying out of the authority conferred by this Resolution in order to evidence said authority.

Motion was made by Hansford, seconded by Lay, and the following vote was recorded:

AYES:Donald Pope

Jeff Wilkinson

Virginia Lay

Hurley Ray Guillotte

Richard Paul

Don Hansford

Matthew Feathers

NAYS:NONE

MAYOR

ATTEST:

CITY CLERK

PASSED AND ADOPTED by the Mayor and Members of the Council of the City of Gautier, Mississippi at the meeting of n October 25, 2005.

There came on for consideration of the Mayor and Members of the Council of the City of Gautier, Mississippi, the following:

ORDER NO. 17-2006

IT IS HEREBY ORDERED by the Mayor and Members of the Council of the City of Gautier, Mississippi to authorize the Service Installation Charge Table (Exhibit "A"), replacing the Tap Fees.

IT IS FURTHER ORDERED that the fees shall be effective November 1, 2005.

The City Manager is authorized to execute any and all documents

Motion was made by Hansford, seconded by Wilkinson, and discussed.

Motion was made by Pope, seconded by Hansford, to amend by requiring any fees collected above the actual costs of new service installation to be placed in a separate fund for maintenance and expansion of the water, sewer and fire protection systems.

The Mayor called for a vote to approve the amendment, and the following vote was recorded:

AYES:Donald Pope

Jeff Wilkinson

Virginia Lay

Hurley Ray Guillotte

Richard Paul

Don Hansford

Matthew Feathers

NAYS:NONE

Motion was made by Hansford, seconded by Wilkinson to amend by removing the Fire Service Annual Charge for later review.

The Mayor called for a vote to approve the amendment, and the following vote was recorded:

AYES:Donald Pope

Jeff Wilkinson

Virginia Lay

Hurley Ray Guillotte

Don Hansford

NAYS:Matthew Feathers

Richard Paul

The Mayor called for a vote to approve the Water, Sewer, Fire Service Installation Charges, as amended, and the following vote was recorded:

AYES:Donald Pope

Virginia Lay

Hurley Ray Guillotte

Don Hansford

NAYS:Matthew Feathers

Richard Paul

ABSTAIN: Jeff Wilkinson

MAYOR

ATTEST:

CITY CLERK

PASSED AND ADOPTED by the Mayor and Members of the Council of the City of Gautier, Mississippi at the meeting of n October 25, 2005.

EXHIBIT "A"

There came on for consideration of the Mayor and Members of the Council of the City of Gautier, Mississippi, the following:

ORDER NO. 18-2006

IT IS HEREBY ORDERED by the Mayor and Members of the Council of the City of Gautier, Mississippi, to adopt Trunk or Treat as a city event and provide insurance.

IT IS FURTHER ORDERED that the City Manager is authorized to execute any and all documents necessary.

Motion was made by Guillotte, seconded by Hansford, and the following vote was recorded:

AYES:Donald Pope
Jeff Wilkinson
Virginia Lay
Hurley Ray Guillotte
Richard Paul
Don Hansford
Matthew Feathers

NAYS:NONE

MAYOR

ATTEST:

CITY CLERK

PASSED AND ADOPTED by the Mayor and Members of the Council of the City of Gautier, Mississippi at the meeting of n October 25, 2005.

There being no further business, at 9:20 p.m., motion was made by Pope, seconded by Lay, to adjourn until November 1, 2005, and the following vote was recorded:

AYES:Donald Pope
Jeff Wilkinson
Virginia Lay
Hurley Ray Guillotte
Richard Paul
Don Hansford
Matthew Feathers

NAYS:NONE

MAYOR

ATTEST:

CITY CLERK

APPROVED by the Mayor and Members of the Council of the City of Gautier, Mississippi, at their meeting of November 15, 2005.
